

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/3/2018

BOARD MEMBERS PRESENT: Herbert W Oliver, D.C. - Chair
Kathleen J McKay, D.C.
Shannon Gaertner-Ewing, D.C.

BOARD MEMBERS ABSENT: Charles H Coiner
Lynn A Hansen, D.C.

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Caroline Merritt, Idaho Association of
Chiropractic Physicians

The meeting was called to order at 9:45 AM MDT by Herbert W Oliver, D.C.

APPROVAL OF MINUTES

Dr. Gaertner-Ewing made a motion to approve the minutes of 5/25/2018. It was seconded by Dr. McKay. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit legislative ideas to the Governor's Office was July 13, 2018 and the deadline to submit proposed law and rule changes to the Governor's Office is August 17, 2018 for the 2019 Legislative Session.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory said that the Executive Order report was submitted to the Governor and Lt. Governor prior to July 1 and it has been linked on the Board's main webpage. Ms. Cory updated the Board on the legislative interim committee on occupational licensing and certification laws. The Occupational Licensing & Certification Laws Committee met on June 22. Ms. Cory was invited to present on the process and executive order reports for the Boards served by the Bureau. It also heard from Greg Wilson, chief of staff to Lieutenant Governor Little; Albert Downs, policy specialist for

the National Conference of State Legislatures; and Patrick Grace, regional manager for the Division of Building Safety.

In her presentation before the Committee, Ms. Cory noted that 29 of the 30 Boards served by the Bureau had submitted their reports. As of today, all reports were submitted before the July 1 deadline and each Board's report has been posted to its website.

Comments by the Committee included that its efforts appeared to be on a parallel track with those of the executive order, and committee members outlined a framework where each of them would take a few reports to review with members of the Boards who wrote them. The co-chairs encouraged legislators on the committee to volunteer to review reports where they felt like they had a connection to the occupation or had constituents who serve on the Board.

The Committee had set its next meeting for Tuesday, August 7. Ms. Cory said that she received notice that the August 7 meeting was cancelled, and that she will let Board members know when she is notified of the rescheduled date.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$98,729.61) as of 7/31/2018.

FY2019 CONTRACT RENEWAL

Ms. Hall reviewed the FY2019 contract with the Board. Dr. Gaertner-Ewing made a motion to approve the FY2019 contract and authorize the Board Chair to sign it. It was seconded by Dr. McKay. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Gaertner-Ewing made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2018-5. It was seconded by Dr. McKay. Motion carried.

OPEN MEETING LAW

Mr. Ellsworth reviewed HB611 that made changes to the open meeting law regarding meeting notices and agendas. Changes effective July 1, 2018 included: notices and agendas must be posted online if the agency has an online presence; identification of all "action items" must be noted on the agenda; and final action may not be taken on an agenda item added after the start of the meeting unless an emergency is declared.

OLD BUSINESS

The Board reviewed the To Do List and the following actions were taken as described in these minutes.

LETTER IN RESPONSE TO LETTERS RECEIVED REGARDING A BOARD MEMBER

The Board reviewed a letter to Dr. Harper regarding his previously submitted letter and accusations against Dr. Gaertner-Ewing. Dr. McKay made a motion to approve and send the letter, and to authorize the Board Chair to sign it. It was seconded by Dr. Gaertner-Ewing. Motion carried.

PROPOSED RULES

Mr. Ellsworth reviewed the proposed rules regarding applications, renewal and reinstatement, inactive status license, expiration and reissuance of clinical nutrition certification, continuing education, and approved schools of chiropractic with the Board. Dr. Gaertner-Ewing made a motion to approve the proposed rules with the Board's revisions and submit them to the Office of the Governor. It was seconded by Dr. McKay. Motion carried.

NOTIFICATION TO LICENSEES

Ms. Cory said the Board could notify all current licensees about the proposed rules. Dr. Gaertner-Ewing made a motion to authorize the Bureau to publish the proposed rules; to authorize the Board Chair to review and approve a notice to licensees after publication of the proposed rules; and to have the Bureau send the notice to all current licensees. It was seconded by Dr. McKay. Motion carried.

PROPOSED LAW

Mr. Ellsworth reviewed the proposed law regarding the powers and duties of the Board and the deletion of peer review with the Board. Dr. Gaertner-Ewing made a motion to approve the proposed law. It was seconded by Dr. McKay. Motion carried.

FOLLOW-UP ON DEA ISSUE

The Board reviewed the letter regarding the requirement of a DEA license for chiropractors who hold a Clinical Nutrition Certification. The letter was sent to all chiropractors with a current Clinical Nutrition Certification and an interested outsourcing pharmacy. The Board took no further action.

LICENSE APPLICATION FORM REVIEW

The Board reviewed the license application form, specifically question #17 regarding an applicant's criminal background and Idaho Code § 54-712(1) and (11). The Board agreed that question #17 did not need to be revised.

NEW BUSINESS

PUBLIC COMMENT

There was no public comment.

PROPOSED LAWS/RULES

The Board took action on proposed laws and rules under Old Business.

NOTIFICATION TO LICENSEES

The Board agreed to send notice to all its licensees under Old Business.

DISCUSSION OF IDAHO CODE § 54-716: ADMINISTERING PRESCRIPTION DRUG PRODUCTS

The Board took no action on Idaho Code § 54-716.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) MEETING

The Board reviewed the correspondence from the FCLB regarding the District Meeting. The Board agreed that it would not send anyone to this year's District Meeting due to the expense involved. The Board also discussed attendance at the Part IV National Boards Exam. Dr. McKay said she would be attending the Part IV National Boards Exam, and that the National Board of Chiropractic Examiners (NBCE) pays all expenses for this meeting.

CORRESPONDENCE

QUESTION ABOUT USE OF CBD OIL

The Board reviewed the question regarding a chiropractor's consideration of CBD oil as a nutritional product and the sale of it within the Treasure Valley. Dr. McKay made a motion to have the Bureau respond and advise the inquirer to consult his own legal counsel regarding the use of CBD oil. It was seconded by Dr. Gaertner-Ewing. Motion carried.

NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) – DISTRICT I DIRECTOR ANNOUNCEMENT

The Board reviewed the information from the District I Director of NBCE and took no action.

CE COURSES

The Board reviewed and approved the following CE courses:

STRESS AND STRAIN

THOMAS BYNES, DC

CALCHIRO RETREAT TO LAKE TAHOE: A CE SEMINAR

CALIFORNIA CHIROPRACTIC ASSOCIATION

WEBINAR – MEASURING PATIENT OUTCOMES
THE CHP GROUP

HIPAA 101 – SECURITY BASICS
THE CHP GROUP

**WEBINAR – CULTURAL COMPETENCY FOR INTEGRATIVE
HEALTHCARE PROVIDERS**
THE CHP GROUP

EXECUTIVE SESSION

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. McKay. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. McKay, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. McKay. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. McKay, aye. Motion carried.

APPLICATIONS

Dr. McKay made a motion to approve the following for licensure:

DCA-1866 James Snyder

It was seconded by Dr. Gaertner-Ewing. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the request for waiver of the Special Purposes Exam for Chiropractic (SPEC), to table the application, and to advise the applicant via letter that the Board is reviewing its endorsement rule to see if the requirement of the SPEC is necessary for all applicants and that it may seek a rule change in the future:

Applicant ID 901160968

It was seconded by Dr. McKay. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the appeal to waive the SPEC for the following to change the status of licensure from an inactive license to an active license:

Applicant ID 901031482

It was seconded by Dr. McKay. Motion carried.

CONTINUING EDUCATION AUDITS/REINSTATEMENTS

The Board reviewed the CE audits and reinstatements.

PROPOSED LAWS/RULES

The Board reviewed Rule 100.02.b.iv. and discussed the purpose of the Special Purposes Exam for Chiropractic (SPEC). Dr. McKay made a motion to approve the proposed revisions to Rule 100.02.b.iii and iv. It was seconded by Dr. Gaertner-Ewing. Motion carried.

NEXT MEETING was scheduled for November 9, 2018 at 9:00 AM MST.

ADJOURNMENT

Dr. McKay made a motion to adjourn the meeting at 3:20 PM MDT. It was seconded by Dr. McKay. Motion carried.

Herbert W Oliver, D.C., Chair

Charles H Coiner

Lynn A Hansen, D.C.

Kathleen J McKay, D.C.

Shannon Gaertner-Ewing, D.C.

Tana Cory, Bureau Chief